

BRF 26-131 Addressing Treaty settlement obligations and other Māori interests in reforms to the Crown Pastoral Land Act 1998 and Land Act 1948

Ki / To:	Hon Chris Penk Minister for Land Information	Rā / Date:	2 December 2025
Priority Level	Priority: Medium	Action required by	3 December 2025

Purpose

This briefing updates you on iwi consultation and informs you of how Treaty settlement obligations and other Māori interests are proposed to be addressed in the reforms to the Crown Pastoral Land Act 1998 and Land Act 1948.

Toitū Te Whenua Land Information New Zealand Whakapā/contacts

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Ngā kōrero a te Minita/Minister's comments

Tohutohu/Recommendations

Toitū Te Whenua Land Information New Zealand Recommends that you:			
	Me mātai/Note	Provisions in the Crown Pastoral Land Act 1998 relating to the Crown's responsibilities under the Treaty of Waitangi/te Tiriti o Waitangi will apply to the reform proposals	Noted
	Me mātai/Note	s 9(2)(h) [Redacted]	Noted
	Me mātai/Note	Ngāi Tahu's perspective is that the secondary use permit proposals is inconsistent with their Treaty settlement	Noted
	Me mātai/Note	You have a meeting with Ngāi Tahu on 16 December. Prior to the meeting, you will be receiving a briefing with options for addressing Ngāi Tahu's concerns that you may wish to discuss at the meeting	Noted



Amanda Moran, Head of Strategy and Policy
Toitū Te Whenua
Land Information New Zealand

Rā/Date: 2 December 2025

Hon Chris Penk
Te Minita mō Toitū Te Whenua
Minister for Land Information

Rā/Date:

Key messages

1. Proposed reforms to the Crown Pastoral Land Act 1998 (CPLA) and Land Act 1948 to allow for more efficient and effective land management and greater economic returns on the Crown pastoral estate affect Māori interests, giving rise to issues of consistency with Treaty settlements and the Treaty of Waitangi/te Tiriti o Waitangi.
2. In developing the proposals LINZ has engaged with, Ngāti Apa ki te Rā Tō, Ngāti Kōata, Ngāti Kuia, Ngāti Rārua, Ngāti Tama ki Ta Tau Ihu, Ngāti Toa Rangātira, Rangitāne o Wairau, and Te Ātiawa o Te Waka-a-Māui (Te Tau Ihu iwi) and Ngāi Tahu on the potential implications of the proposals for their Treaty settlements and other interest.
3. LINZ has also sought legal advice on consistency of aspects of the proposals with Ngāi Tahu's Treaty settlement.
4. This briefing informs you of the nature and content of Māori interests that may be affected by the proposals, the options that have been considered for addressing the affected interests, and iwi views on the proposals and risks to Māori Crown relations.
5. The CPLA includes provisions that recognise the Crown's responsibilities and support the Crown in its relationships with Māori under the Treaty of Waitangi/te Tiriti of Waitangi. These provisions are intended to apply to the proposals.
6. The proposals are intended to operate consistently with Treaty settlement obligations, while achieving the overall policy objective [s 9\(2\)\(h\)](#)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
7. There is a risk that the proposals do not meet the expectations of iwi, particularly Ngāi Tahu, that impact on progressing legislation and the ongoing operation of the secondary use permit system.
8. LINZ is preparing initial options in relation to the proposals aimed at addressing Ngāi Tahu's concerns that you may wish to discuss with Ngāi Tahu at your meeting on 16th December. These will be provided in the meeting pack you prior to the meeting.
9. However, as Ngāi Tahu's main concerns stem from the fundamental policy objective of enabling diversification of land use on perpetual pastoral leases, adjustments to the detailed design of the proposals may not be sufficient to ameliorate their concerns and mitigate risks to Māori Crown relations.

Background and context

10. A draft Cabinet paper has been lodged for consideration by ECO on 3 December, with proposed reforms to the CPLA and Land Act 1948 to allow for more efficient and effective land management and greater economic returns on the Crown pastoral estate. The paper seeks Cabinet agreement to two main proposals:
 - a new secondary use permit system to enable lessees to undertake a broader range of activities alongside pastoral farming,
 - a new legislative pathway for enabling land to be removed from the Crown pastoral estate if the public benefits on the new land use outweigh the negative impacts on inherent values or ongoing pastoral farming of the remaining pastoral land.
11. In developing the proposals, LINZ has engaged with iwi whose areas of interest include the Crown pastoral estate – Ngāi Tahu and Te Tau Ihu iwi – on the potential implications of the proposals for their Treaty settlements and other interests. Written feedback was received from Rangitāne o Wairau and Ngāi Tahu and is attached in Appendix 1.
12. LINZ met with Te Rūnanga o Ngāi Tahu staff on 20 November 2025. Ngāi Tahu staff expressed concerns that a shift in policy settings away from pastoral use will further alienate opportunities for Ngāi Tahu on their ancestral lands over time.
13. This briefing informs you of the nature and content of the Māori interests that may be affected by the proposals and iwi views on the proposals. LINZ has applied Crown Law's *Legal guidance for decision-making in the Treaty context: a checklist* in developing this advice.

CPLA provisions relating to the Crown's responsibilities under the Treaty of Waitangi/te Tiriti o Waitangi will apply to the proposals

14. Iwi have an interest in the land as a whole. Impacts on iwi interests in the context of policy settings for the Crown pastoral estate may include:
 - protection of taonga species and landscapes on Crown pastoral land
 - access, use and protection of mahinga kai and sites of cultural importance on Crown pastoral land
 - access to socio-economic development opportunities on their ancestral lands
 - stewardship of the environment (including the impacts of the use of Crown pastoral land on the wider environment).
15. Where Māori interests may be affected by policy settings for Crown pastoral land, issues of consistency with the Treaty of Waitangi/te Tiriti o Waitangi may arise. This is relevant to both the process and outcomes of decisions made under the proposed secondary use permit system and land disposal pathway.

16. The CPLA includes specific provisions in recognition of the Crown's responsibilities in respect of the Treaty of Waitangi/te Tiriti o Waitangi and the importance of Crown pastoral land to the Māori Crown relationship. These include:
 - the purpose of the CPLA is to administer the Crown pastoral estate in a way that seeks to support the Crown in its relationships with Māori under the Treaty of Waitangi/te Tiriti o Waitangi (section 1A)
 - all persons exercising functions, duties or powers in relation to the pastoral estate must seek to support the Crown in those relationships (section 4)
 - the requirement to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, mahinga kai, wāhi tapu, and other tōhonga when making specified regulatory decisions, including for commercial recreation permits (section 5)
 - a duty to consult iwi on specific matters such as standards, regulations and strategic intentions (section 5)
17. The intention is that these provisions will apply, as relevant, to the secondary use permit system and land disposal pathway.
18. The Cabinet paper proposes that secondary use permits will be subject to the same process requirements as commercial recreation permits. This includes application of section 5 of the CPLA where a secondary use permit is sought. You have also asked that consultation with relevant iwi on secondary use applications for activities not listed in the 'permissible activities' schedule be included as a requirement.
19. In respect of the land use disposal pathway, you agreed on 20 November for the process to include consultation with relevant iwi at the gateway and full assessment stages of the process [BRF 26-127 refers]. You will shortly receive a briefing on the detailed design of the land disposal pathway. This briefing will include advice on decision making considerations and criteria, including in relation to the Crown's relationship with Māori and providing for Māori interests.
20. LINZ considers applying the current provisions in the CPLA is the most effective and efficient approach to addressing the Crown's Treaty of Waitangi/te Tiriti o Waitangi responsibilities as it is consistent with the existing framework of the CPLA.
21. Ngāi Tahu's view is that application of section 5 to new processes is essential (but not sufficient in itself) to ensuring Ngāi Tahu's rights and interests are consistently upheld. The approach of applying the current provisions in the CPLA also addresses some of the feedback provided by Rangitāne o Wairau.
22. The Ministry of Justice (MOJ) is leading a review of legislation containing provisions mentioning Treaty principles. LINZ is working with MOJ to understand the linkages between their review and this work.

Changing policy settings for Crown pastoral land impacts on Treaty settlements

23. Treaty settlements are completed for all areas within the Crown pastoral estate. In developing policy, the Crown must ensure it does not inadvertently breach legal rights and obligations established by Treaty settlements, nor undermine the relationship between settled groups and the Crown by failing to adequately consider the potential impacts on Treaty settlements.
24. The Ngāi Tahu settlement includes a Right of First Refusal (RFR) that applies to disposal¹ of Crown land within the Crown pastoral estate, with an exception for disposals to pastoral lessees that was applied during the Tenure Review process.
25. Ngāi Tahu's perspective is that the exception was agreed to support Tenure Review, which was being developed at the time. Ngāi Tahu considers that the context of the proposals is different from Tenure Review. While providing lessees the opportunity to change land use and feehold land, Tenure Review also created opportunities for Ngāi Tahu. As land moved into the conservation estate, Ngāi Tahu could access opportunities through its role in the conservation system and relationship with the Department of Conservation.
26. There are eight Crown pastoral leases within the rohe of Te Tau Ihu iwi. Specified area RFR under the settlements² excludes land subject to a pastoral lease under Part 1 of the CPLA, however there may be areas of pastoral land within the rohe that are not subject to this type of lease, or a subject to a different category of RFR.

Ngāi Tahu have concerns about secondary use permits

27. The secondary use permit system will allow leaseholders to apply for approval to carry out secondary use activities, that achieve the purpose and outcomes of the CPLA. The objective is to improve land management and the viability of pastoral leases through enabling diversification of income streams for the leaseholder. The proposed decision-making criteria allows activities with more than minor adverse effects to be approved, if benefits are significant. As with all secondary use activities, to approve the applications the Commissioner must be satisfied that the activity proposed in the application is consistent with the purpose and outcomes of the CPLA.
28. As outlined in Appendix 2, LINZ does not expect the proposal for secondary use permits to create new opportunities to exercise the Ngāi Tahu RFR.

¹ Disposals include transfer of fee simple or the granting of a lease (defined as including a concession in the form of a lease, and any right that grants exclusive possession) if the term (including rights of renew or extensions) is or could be for 50 years or longer.

² Specified area RFR land is Crown land within a specific area identified in each of the Te Tau Ihu iwi deeds of settlement and defined in Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014, Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 and Ngāti Toa Rangatira Claims Settlement Act 2014.

29. Ngāi Tahu considers that secondary use permits constitute a transfer of ownership and control from the Crown to the lessee, in effect privatising part of the Crown pastoral estate. Ngāi Tahu considers that broadening the scope of authorised land uses and development activities on Crown pastoral land, especially if treated as part of the existing perpetually renewable leases which are not subject to the RFR, undermines the purpose and operation of the RFR and is inconsistent with the letter and spirit of their settlement. Te Rūnanga o Ngāi Tahu staff noted that secondary use permits appear to cover activities which by their nature are long-term impactful land uses. Even if they are granted for a short time period, there may be an expectation that permits keep being granted for the activity which could be seen as circumventing the RFR.

30. s 9(2)(h) [Redacted]

31. s 9(2)(h) [Redacted]

32. On 19 November, you broadened one of the grounds on which the Commissioner could grant a permit for secondary use where the impacts on inherent values or pastoral farming are more than minor. This allows a permit to be granted where the activity "supports, or *does not preclude*, the long-term viability of the lease for pastoral farming purposes" [BRF 26-109 refers]. s 9(2)(h) [Redacted]

33. s 9(2)(h) [Redacted]

34. LINZ will provide you with further advice on options for addressing Ngāi Tahu's concerns while still achieving the policy intent, ahead of your meeting with Ngāi Tahu on 16 December.

The land disposal pathway will be subject to rights of first refusal

35. The new pathway for land to be removed from the Crown pastoral estate is to enable significant land use change that create public benefits that outweigh the negative impacts on inherent values or ongoing pastoral farming of the remaining pastoral land.
36. As outlined in Appendix 2, the land disposal pathway has been designed to work with the Ngāi Tahu RFR. It is intended that on receiving a proposal for a gateway assessment, the Crown would give preliminary notice to Ngāi Tahu that it is considering the disposal of relevant land. The Crown would make an offer to Ngāi Tahu after the lessee's interest is surrendered and before the Crown attempts to dispose of the land. If the offer is declined and a disposal is proposed to be made to another party on more favourable terms to the purchaser than the offer to Ngāi Tahu, the Crown will re-offer the land to Ngāi Tahu on the more favourable terms.
37. The exception to the RFR that was applied to Tenure Review is not intended to be extended to the new pathway. This proposal is intended to create greater opportunity for the Ngāi Tahu RFR to be exercised than current policy settings, by setting up an enabling framework for land to move out of the Crown pastoral estate and be leased or sold for other purposes. In practice it is expected that, due to the RFR, proposals for significant land use change would be developed in partnership with Ngāi Tahu.
38. LINZ is currently developing options for the detailed design of the new pathway, which has yet to be shared with Ngāi Tahu.

Further engagement may not mitigate risks as iwi concerns relate to the overall policy objective

39. There is a risk that as a package the proposals do not meet iwi expectations, particularly around direct access to economic opportunities arising from new uses of Crown pastoral land. Further, Ngāi Tahu considers that the secondary use proposal is inconsistent with the letter and spirit of their settlement.
40. s 9(2)(h) [REDACTED]
41. LINZ will continue to engage with iwi on the design of the proposals. However, as Ngāi Tahu's main concerns stem from the fundamental policy objective of enabling diversification of land use on perpetual pastoral leases, adjustments to the detailed design of the proposals may not be sufficient to ameliorate their concerns and mitigate risks to Māori Crown relations.

Ngā Tāwhaitanga/Next Steps

42. You are meeting with Ngāi Tahu on 16 December. LINZ is preparing a range of options in relation to the proposals aimed at addressing Ngāi Tahu's concerns that you may wish to discuss with Ngāi Tahu. These will be provided in the meeting pack you receive prior to the meeting.

Tāpiritanga/Attachments

Document number	Name of attachment
1.	Iwi feedback on proposals
1a.	Letter from Ngāi Tahu
2.	Analysis of impact of proposals on the Ngāi Tahu Right of First Refusal

Appendix 1: Iwi feedback on proposals

43. Ngāi Tahu, Ngāti Apa ki te Rā Tō, Ngāti Kōata, Ngāti Kuia, Ngāti Rārua, Ngāti Tama ki Ta Tau Ihu, Ngāti Toa Rangātira, Rangitāne o Wairau, and Te Ātiawa o Te Waka-a-Māui have been informed of the proposals by email and given the opportunity to discuss them or provide written feedback. Written feedback was received from Te Rūnanga o Ngāi Tahu and Te Rūnanga a Rangitāne o Wairau.
44. Written feedback from Te Rūnanga a Rangitāne o Wairau, that emphasised:
- Any changes to the management or use of Crown land within their rohe must uphold their rights as Treaty partners and ensure their interests (both present and future) are protected. This includes recognition of tangata whenua and customary interests, and consistency with Treaty settlements, through the entirety of their Area of Interest.
 - Decisions about land use should prioritise environmental sustainability and the protection of sites of cultural significance. Robust safeguards and iwi input into secondary uses or new activities are essential.
 - Rangitāne expects fair access to economic opportunities arising from new uses of Crown land, including direct involvement in commercial ventures and joint ventures. Processes should be transparent and accessible to iwi entities.
 - Any process for removing land from the Crown pastoral estate must include safeguards against alienation from iwi, and ensure iwi interests are prioritised in any disposal or repurposing.
 - Legislation should facilitate iwi access to Crown land for cultural, spiritual, and customary purposes, including gathering resources and access to wāhi tapu.



Te Rūnanga o NGĀI TAHU

7 November 2025

Commissioner of Crown Lands
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By email: charris@linz.govt.nz

Tēnā koe,

Te Rūnanga o Ngāi Tahu Response - Crown Pastoral Land Act Reforms

1. Introduction

- 1.1 Te Rūnanga o Ngāi Tahu (Te Rūnanga) welcomes the opportunity to provide feedback on the proposed reforms to the Crown Pastoral Land Act 1998 (CPLA).
- 1.2 Te Rūnanga is the representative tribal body of Ngāi Tahu Whānui who hold rangatiratanga within the Ngāi Tahu takiwā. Te Rūnanga encompasses eighteen Papatipu Rūnanga who uphold mana whenua and mana moana in their respective rohe.
- 1.3 The Ngāi Tahu Takiwā spans most of Te Waipounamu and its surrounding islands, including Rakiura and the sub-Antarctic Islands (see Appendix One). The Crown and Parliament have recognised and affirmed the enduring nature of Ngāi Tahu rangatiratanga within this takiwā through:
 - a. Article II of Te Tiriti o Waitangi;
 - b. The 1997 Deed of Settlement between Ngāi Tahu and the Crown; and
 - c. The Ngāi Tahu Claims Settlement Act 1998 (NTCSA) in which Parliament endorsed and implemented the Deed of Settlement.
- 1.4 As recorded in the Crown Apology to Ngāi Tahu (see Appendix One), the Ngāi Tahu Settlement marked a turning point in the Crown-Ngāi Tahu relationship and the beginning of a “new age of co-operation”. The Crown confirmed that it “recognises Ngāi Tahu as the tangata whenua or, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”.

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2. Ngāi Tahu Relationship with Crown Pastoral Lands

- 2.1 The Crown pastoral estate comprises over two million hectares of high-country land in Te Waipounamu and as outlined above, the vast majority is within the Ngāi Tahu Takiwā. Ngāi Tahu has a deep spiritual and practical connection to these landscapes. The significance of maunga in Ngāi Tahu creation narratives and belief systems is well established, and the high country was historically important for seasonal mahinga kai. The alps and passes served as vital navigation routes, linking coastal and inland areas across the Takiwā and facilitating movement among our interconnected hāpu and whānau.
- 2.2 Many species found in the high country are considered taonga by Ngāi Tahu. The Ngāi Tahu Settlement recognises these special relationships, and the NTCSA outlines how they are to be acknowledged in practice and in accordance with the law. These relationships are grounded in whakapapa and reflect a long history of interaction, stewardship, and use.
- 2.3 Any approach to the management of Crown pastoral land must reflect an understanding of both the historical and contemporary values that mana whenua hold in these landscapes. It must also enable Ngāi Tahu to fulfil our ancestral responsibilities to taonga species, culturally significant places, and the broader environment.

3. Feedback on proposals

- 3.1 Te Rūnanga expects Land Information New Zealand (LINZ) to develop and implement reforms to the CPLA in genuine partnership with Ngāi Tahu, applying the principles of Te Tiriti o Waitangi throughout. This expectation is reinforced by the Supreme Court decision in *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation*, which sets a high precedent for how the Crown must uphold Treaty principles.
- 3.2 Te Rūnanga holds serious concerns regarding proposals to enable a broader range of activities on Crown pastoral land through secondary use permits and the removal of land from the Crown pastoral estate. The proposals appear misaligned with the purpose and outcomes of the CPLA, shifting the focus from protection and long-term stewardship to commodification. They pose a significant risk of irreversible cultural and environmental harm to taonga species and landscapes within the Ngāi Tahu takiwā. These landscapes are not only ecologically sensitive but also hold deep ancestral, spiritual, and historical significance for Ngāi Tahu Whānui.
- 3.3 Expanding land uses within the Crown pastoral estate represents a fundamental shift in property rights and would, in effect, privatise parts of the estate. Ngāi Tahu has a strong preference for the relevant whenua to remain in Crown ownership and control, with land uses limited to pastoral uses.
- 3.4 Our key concerns are outlined in further detail below.

4. Te Tiriti o Waitangi and Ngāi Tahu Settlement Obligations

- 4.1 If the proposed reforms proceed, section 5 of the CPLA must be broadened to apply to all processes and decisions concerning secondary land uses or the removal of land from the Crown pastoral estate. This is essential to ensure that Ngāi Tahu rights and interests are

consistently upheld, including recognition and provision for Ngāi Tahu cultural, social, environmental and economic aspirations for our ancestral lands.

4.2 It is incumbent upon the Crown to assess the potential impact of the proposed reforms on its obligations under Te Tiriti o Waitangi and the Ngāi Tahu Settlement. Due to time constraints and the limited information provided, a full assessment of the impacts has not been undertaken, including the extent to which the Crown pastoral estate falls within any Statutory Acknowledgement Areas.

5. **Ngāi Tahu Right of First Refusal**

4.3 The NTCSA provides Te Rūnanga with a Right of First Refusal (RFR) over Crown land within the Ngāi Tahu takiwā.

4.4 The RFR is a core mechanism for redress, recognising that Ngāi Tahu lost nearly all its land through Crown acts and that opportunities for re-acquisition must be protected.

4.5 By broadening the scope of authorised land uses and development activities on Crown pastoral land, the Crown is effectively transferring economic ownership and control to leaseholders, while retaining only nominal title. This directly undermines the purpose and operation of the RFR particularly if the expanded uses are to be treated as part of the existing perpetually renewable leases which are not subject to the RFR. Ngāi Tahu views this as inconsistent with both the spirit and the letter of the NTCSA.

4.6 The RFR must be fully applied and upheld for any land removed from a Crown pastoral lease for re-leasing under the Land Act or for disposal. The current exceptions for disposals to leaseholders should not apply to the new review process. Any attempt to extend these exceptions would be strongly opposed by Ngāi Tahu, as they were negotiated and agreed within the specific context of the former tenure review process and the broader settlement.

6. **Privatisation of Crown pastoral land**

5.1 The Crown pastoral lease system was established to balance productive use with public ownership. Leaseholders hold conditional rights to occupy and use land for pastoral purposes, while the Crown retains ownership and oversight in the public interest. This framework prioritises the long-term ecological, cultural, and landscape values of Crown pastoral land.

5.2 Allowing non-pastoral land uses such as forestry, energy generation, afforestation and other forms of farming would alter that balance by:

- a. Expanding private rights and expectations beyond the scope of the original lease purpose;
- b. Diminishing the public character of the land; and
- c. Further alienating Ngāi Tahu from ancestral landscapes.

5.3 The cumulative effect would be a profound shift in ownership, control, and the nature of the Crown pastoral estate. The value proposition of Crown pastoral leases would be fundamentally changed, prioritising private benefit from public land.

7. Environmental Consequences

- 6.1 Crown pastoral lands encompass fragile ecosystems, endemic flora and fauna, and landscapes of profound ecological, cultural, and spiritual significance. These areas are already under considerable pressure from historic and ongoing degradation, including overgrazing, the spread of invasive species, and the escalating impacts of climate change.
- 6.2 The CPLA reflects the importance of safeguarding these values. Its purpose is to ensure that the ecological, landscape, cultural, heritage, and scientific values of Crown pastoral land are maintained or enhanced for the benefit of current and future generations.
- 6.3 However, the reform proposals appear to anticipate the permitting of activities that will have minor or more than minor adverse effects on these inherent values. This is in direct conflict with the intent and outcomes of the CPLA. Of particular concern is the potential erosion of the ancestral relationship between Ngāi Tahu and the land, an association that the CPLA explicitly acknowledges and seeks to protect.
- 6.4 Undermining these statutory protections risks a return to an economically driven model of land management, one that Ngāi Tahu and many others have long criticised for contributing to the loss of environmental and cultural values across the high country.

8. Conclusion

- 6.5 It is imperative that meaningful partnerships are maintained between the Crown and Ngāi Tahu to support effective and appropriate management of natural and cultural values within the Crown pastoral land estate.
- 6.6 Te Rūnanga remains committed to working alongside LINZ to develop a management model that delivers positive outcomes for Ngāi Tahu, the Crown pastoral land estate, and reflects and strengthens our partnership.

Nāku noa, nā

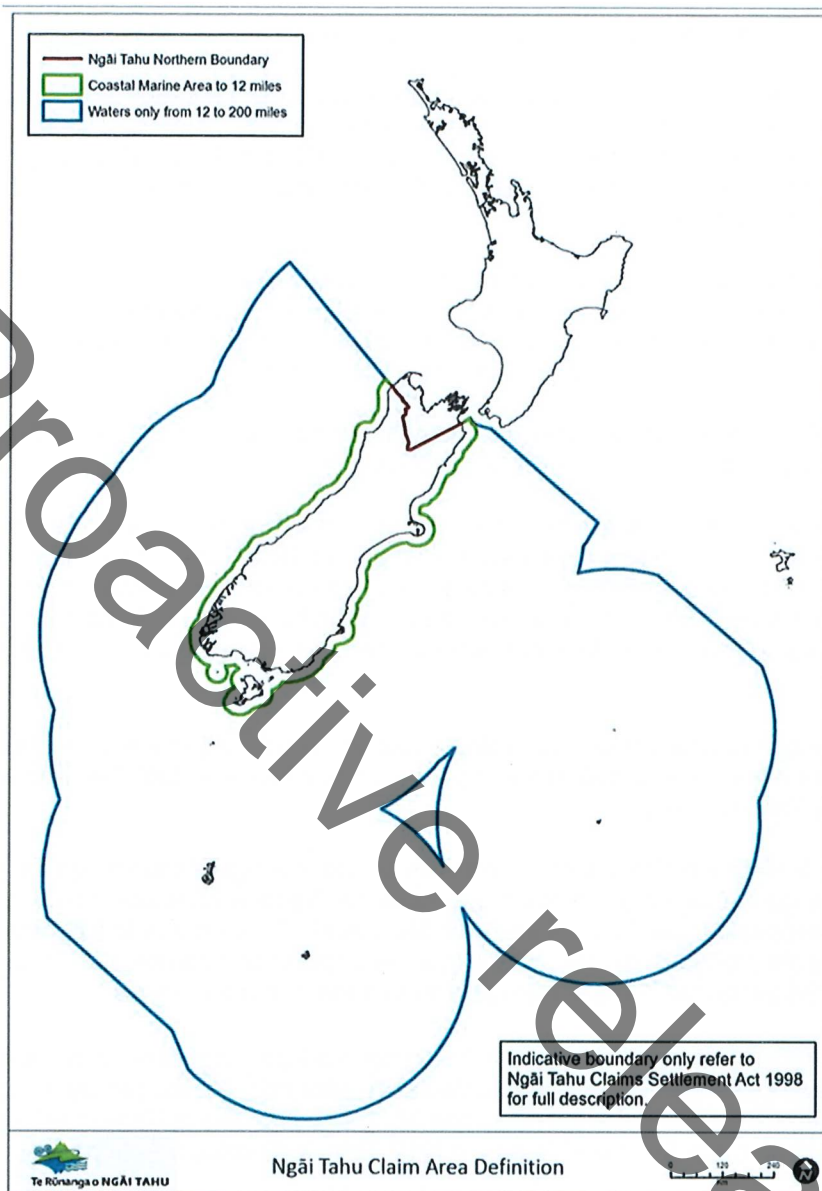


Ben Bateman,
Kaihautū | Chief Executive Officer

Encl.

Appendix One: Takiwā and Apology

APPENDIX ONE: TAKIWĀ AND APOLOGY



Apology by the Crown to Ngāi Tahu

Section 5: Text in Māori

The Crown apologises formally and will apologise publicly to Ngāi Tahu as follows:

1. Kei te mōhio te Karauna i te tino roa o ngā tūpuna o Ngāi Tahu e totohe ana kia utu mai rātou e te Karauna—tata atu ki 150 ngā tau i puta ai tēnei pēpeha a Ngāi Tahu arā: “He mahi kai tākata, he mahi kai hoaka”. Nā te whai mahara o ngā tūpuna o Ngāi Tahu ki ngā āhuetanga o ngā kawenga a te Karauna i kawea ai e Matiaha Tiramōrehu tana petihana ki a Kuini Wikitoria i te tau 1857. I tuhia e Tiramōrehu tana petihana arā:

‘Koia nei te whakahau a tōu aroha i whiua e koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia ōrite ngā āhuetanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoto i te aroha o tōu ngākau pai ki runga i te iwi Māori kia noho ngākau pai tonu ai rātou me te mau mahara tonu ki te mana o tōu ingoa.’

Nā konei te Karauna i whakaae ai tērā, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā rēira i tū whakaiti atu ai i nāiane i mua i ā rātou mokopuna.
2. E whakaae ana te Karauna ki tōna tino hēanga, tērā i takakino tāruaruatia e ia ngā kaupapa o te Tiriti o Waitangi i roto i āna hokonga mai i ngā whenua o Ngāi Tahu. Tēnā, ka whakaae anō te Karauna tērā i roto i ngā āhuetanga i takoto ki roto i ngā pukapuka ā-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaro ki tāna hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaro ki te wehe ake i ētahi whenua hei whai oranga tinana, whai oranga ngākau rānei mō Ngāi Tahu.
3. E whakaae ana te Karauna tērā, i roto i tāna takakino i te wāhanga tuarua o te Tiriti, kāore ia i whai whakaaro ki te manaaki, ki te tiaki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tino taonga i hiahia a Ngāi Tahu ki te pupuri.
4. E mōhio ana te Karauna tērā, kāore ia i whai whakaaro ki a Ngāi Tahu i runga i te ngākau pono o roto i ngā tikanga i pūtaka mai i te mana o te Karauna. Nā tāua whakaaro kore a te Karauna i puaki mai ai tēnei pēpeha a Ngāi Tahu: “Te Hapa o Niu Tīreni”. E mōhio ana te Karauna i tāna hē ki te kaipono i ngā āhuetanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakatupuranga heke iho. Te whakataua ki i pūtaka mai i aua āhuetanga: “Te mate o te iwi”.
5. E whakaae ana te Karauna tērā, mai rāno te piri pono o Ngāi Tahu ki te Karauna me te kawē pono a te iwi i ā rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki raro i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihi ana te Karauna ki a Ngāi Tahu mō tōna ngākau pono mō te koha hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.
6. E whakapuaki atu ana te Karauna ki te iwi whānui o Ngāi Tahu i te hōhonu o te āwhitu a te Karauna mō ngā mamaetanga, mō ngā whakawhiringa i pūtaka mai nō roto i ngā takakino a te Karauna i takaongetia ai a Ngāi Tahu Whānui. E whakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiringa hoki i hua mai nō roto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutohu a ngā pukapuka ā-herenga i tōna hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia rawaka he whenua mō te iwi, hei whakahaere mā rātou i ngā āhuetanga e whai oranga ai rātou, kāore hoki te Karauna i hanga i tētahi tikanga e maru motuhake ai te mana o Ngāi Tahu ki runga i ā rātou pounamu me ērā atu tāonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i aro ake ki ngā aurere a Ngāi Tahu.
7. E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna hēanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua ā-rohe o Te Wai Pounamu, nā rēira, i runga i ngā whakaritenga me ngā herenga a Te Tiriti o Waitangi, ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tāngata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.
8. E ai mō ngā iwi katoa o Aotearoa e hiahia ana te Karauna ki te whakamārie i ngā hara kua whākina ake nei—otirā, ērā e taea i nāiane i – i te mea kua āta tau ngā kōrero tūturu ki roto i te pukapuka ā-herenga whakaritenga i hainatia i te 21 o ngā rā o Whitu hei tīmatanga whai oranga i roto i te ao hōu o te mahinga tahi a te Karauna rāua ko Ngāi Tahu.

Section 6: Text in English

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb 'He mahi kai tākata, he mahi kai hoaka' ('It is work that consumes people, as greenstone consumes sandstone'). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramōrehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramōrehu wrote:

'This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.'

The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.

2. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu use, and to provide adequate economic and social resources for Ngāi Tahu.
3. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu use and ownership of such of their land and valued possessions as they wished to retain.
4. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying 'Te Hapa o Niu Tirenī!' ('The unfulfilled promise of New Zealand'). The Crown further recognises that its failure always to act with good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb 'Te mate o te iwi' ('The malaise of the tribe').
5. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu loyalty and to the contribution made by the tribe to the nation.
6. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu grievances.
7. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
8. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to

matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.

Proactive release

Appendix 2: Analysis of impact of proposals on the Ngāi Tahu Right of First Refusal

Proposal	Objective of the proposal	Policy options considered	Analysis of impact on the Ngāi Tahu RFR	Feedback from Ngāi Tahu
Secondary use permits	Improve the viability of pastoral leases through enabling diversification of income streams for the lessee, while ensuring the viability of pastoral farming and maintaining or enhancing inherent values.	<p>Three broad options were considered for enabling non-pastoral activities that complement pastoral farming and are consistent with the purpose of the CPLA [BRF 26-053 refers]:</p> <ul style="list-style-type: none"> secondary use permits widening the definition of 'pastoral use' changing lease arrangements through direct negotiations. <p>LINZ recommended secondary use permits as they would provide sufficient flexibility, without the legal and operation risks of the other options. Only lessees may apply for secondary use permits, as they have a long-term interest in the land and this approach provides a single line of accountability between lessee and lessor regarding activities on the land.</p> <p>Secondary use permits provide a mechanism to adjust arrangements with lessees without the complex and time-consuming process of re-negotiating leases.</p> <p>Secondary use permits also enable the Crown to retain control over secondary uses through criteria for and conditions on permits, consistent with the purpose of the CPLA.</p>	<p>The recommended option will not create new opportunities to re-acquire ancestral lands or access socio-economic opportunities through the exercise of the RFR.</p> <p>Secondary use permits are designed to be for uses that would not be disposals for the purposes of the Ngāi Tahu RFR. That is, they are intended to be for activities that are not likely to require a disposition of land for 50 years or more.</p> <p>If it did constitute a disposal, LINZ considers it would be an excepted transaction for the purposes of RFR under s50(i)(i) of the settlement Act as a disposal to a lessee. LINZ considers that this approach is necessary to achieve the Government's policy objective and consistent with the spirit of the exception to ensure that the Crown may adjust arrangements with lessees without triggering the RFR.</p> <p>The availability of secondary use permits may raise the capital value of Crown pastoral leases, which could constrain opportunities to re-acquire ancestral lands on the open market.</p>	<p>Ngāi Tahu considers that the secondary use proposal is inconsistent with the spirit and letter of the RFR, as it effectively transfers economic ownership and control to lessees, without opportunity for the RFR to apply.</p> <p>Ngāi Tahu is concerned that as the proposal does not intend to trigger their RFR, they will not be able to access new economic opportunities on the Crown pastoral estate as the develop.</p>
Land disposal pathway	To enable economic opportunities that involve a significant land use change from pastoral farming	<p>Four options for enabling greater land use flexibility were considered [BRF 26-064 refers].</p> <p>A new legislative pathway in the CPLA was selected as it provides greatest certainty, including for application of the RFR.</p> <p>Options for the new pathway were designed to enable the RFR to apply.</p>	<p>The recommended option is intended to enable new opportunities for re-acquisition of ancestral lands, and associated socio-economic opportunities, through exercise of the RFR.</p> <p>The policy objective is not to adjust arrangements with lessees, but to enable land to be removed from the Crown pastoral estate. Unlike Tenure Review, the Government's policy objective is not to facilitate freeholding by the lessee.</p> <p>LINZ considers that it would not be consistent with the spirit of the settlement to apply the exception as it was applied during Tenure Review, as it is not necessary to guarantee disposal to the lessee to meet the Government's policy objective.</p> <p>The policy intent is that the pathway will provide for land to be surrendered or otherwise removed from the lease before disposal so that the former lessee is not a lessee "prior to the date of disposal", so the exception to RFR does not apply.</p> <p>In practice, operation of the RFR is likely to mean proposals for land use change are developed in partnership with Ngāi Tahu.</p>	<p>Ngāi Tahu would be strongly opposed to the exception for disposals to leaseholders that was used in the Tenure Review process to be extended to new land disposal pathway as that exception was negotiated and agreed in the specific context of the former tenure review process and broader settlement.</p>

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